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April 13, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Methods and apparatus for an advertisement display service
using metadata

US File 20040064833

Filed: September 19, 2003

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20040064833

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained (0007) at the client level (Digital Television [DTV] Set in a client-server ad delivery system. (0002) (0007) The appropriate ads are selected through comparison of programs' metadata (keywords) with user profile database (0008) (0009) (0015) The ad databases are created at the DTV from a remote server (0007) and updated (0011) at the DTV. Selecting a channel (0015) or show on television, which is tantamount to placing a URL or keyword into a browser locator window, then makes a match with ad database (0009) data maintained at the computer DTV in the remotely controlled and updated database and in the event a match is made by matching (Claim 1) program metadata to the ad database or user profile that contains voluntary user actions (0015) an appropriate advertisement is displayed. This is referred to as "pull" advertising as voluntary actions on the part of a user interacts with a pre-established database and a targeted ad is displayed.

This embodiment is described in Claims 1, 3, 4, 7, 9, 10 and others. Basing ad display based upon program selection comparisons, profiles or other voluntary users' actions is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet (Claim 3) or both, both are electronic communication networks. The system is described in (0002) (0007) (0008) (0009) (0011) (0015) and others.

The abstract reads, "Methods and apparatus for an advertisement display service using metadata is disclosed. The method for providing a selective advertisement display comprises constructing a user's preference for television programs; analyzing and filtering metadata of advertisements based on said user's preference; storing the selected advertisements on digital television;

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that little prior art was supplied; little prior art was submitted with this filing correlating to the internet, also an electronic communication system, and only some broad references to server profiling systems. The filers are correct that a targeted system based on program selections, user profiles, metadata keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

- There may be more prior art preceding the 9/3/2003 filing. The prior art listed all precede any references contained in this Application including the Korea patent filing.

The screenshot shows a Netscape browser window displaying the esp@net website. The browser's address bar shows the URL: http://N3.espatenet.com/textdoc?A=Zetmeir&G=FIRST=1&CY=ep&LG=en&DB=FPD00&cl=1&Akw=Zetmeir&Subm=1. The website header includes the esp@net logo and navigation links like 'European Patent Office', 'English', 'Deutsch', and 'Francais'. A search bar is visible at the top right.

The main content area displays search results for the patent CA2328913. The results are organized into a table with columns: Bibliographic data, Description, Claims, Abstract, and INPADOC legal class. The patent information shown includes:

- Patent number: CA2328913
- Publication date: 1999-10-25
- Inventor: ZETMEIR, KARL D (US)
- Applicant: ZETMEIR, KARL D (US)
- Classification: H04M2/00
- European: CA1062328913, 10620414
- Priority number(s): US1060060201, 10600417, WD 10600506102, 10620414

Below the patent information, there is a section titled 'Abstract of CA2328913' which describes a telephone call management computer program. The abstract text is as follows:

Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use a



